

From: Jeff Mansfield [jlmansfield1981@gmail.com]
Sent: 4/11/2018 3:59:24 AM
To: Magnuson, Janet [Magnuson.Janet@epa.gov]
Subject: [SPAM-Phish] Re: 1st Request for Info for Shungopavi Village PWS#09400259/09400206 (Hopi)

Counsel Magnuson,

I appreciate your timely response, it is greatly appreciated. What little I do know about the FOIA process, I assume that this will be a timely process which I shall initiate immediately. With that said, I think it would be detrimental to the Shungopavi PWS#400259 if this route is selected. The Shungopavi CSA, Mr Leon Lomakema, is scheduled to discuss the preliminary AOC term sheet provisions, which will eventually lead to the official AOC for each respective 1st and 2nd Mesa PWS. I must advocate on behalf of my client, the importance of acquiring all relevant, pertinent Shungopavi PWS#400259 information for years 2004-2018, please.

It concerns me that the Shungopavi and the Mishongnavi PWSs are not too well informed, considering that HAMP has been around for over 12 years? I have attempted once today to acquire this same information for my client through Mr Tim Bodell of the HUC, and I believe Mr Lionel Puhuhyesva is on travel thus he is unable to assist in this request. I also requested this same info from the IHS HHCC OEH engineer, Mr Lydell Yazzie, who also referred me to a Mr James Carter of IHS Eastern Office.

These projects are funded by PL 86-121 and EPA DWTSA right? Therefore, the info requested is public information, right? Since the Hopi Tribe is obligated to serve in the best beneficial interest of all 13 Hopi Villages (Shungopavi is one) per the 1937 IRA Hopi Consitution (preamble), there must be some misunderstanding with the Fiduciary Roles that all Hopi Tribal and federal entities associated w/ the HAMP must have? This is the only logic I can infer if my client is forced to FOIA info to their own Public Water System.

Since the Hopi Tribe's General Counsel, Ms Thin Elk, has previously conveyed to me, while I was still contracted under FMCV PWS#400106, that she is limited on her Legal Counsel for the 1st and 2nd Mesa PWSs. She has justified her limitations on her legal counsel, primarily due to a potential conflict of interest. Since Ms Thin Elk is a contracted Attorney for the Hopi Tribal Government/Hopi Tribal Council, her primary interest are that of the Hopi Tribal Government/HTC/HUC, who mind you, have no PWS (Tribe owns only 2 non-transient/ non-community PWSs) residential connections, nor do they adequately demonstrate the necessary technical, financial, and managerial capacity requisites necessary to be considered an eligible applicant for Federal Grant Funds (let alone being awarded multi-million Federal Grant Funds). Therefore limiting her ability to properly advocate for each individual Hopi Village PWS.

I will consult w/ my client, and an appropriate course of action will be determined by the Shungopavi CSA, and the Traditional Leader of the Village of Shungopavi. If my client opts to have me fill out an EPA and Dept. of Human Health Service/Indian Health Service FOIA for the Shungopavi PWS#400259, then I will request additional time be given to the Shungopavi PWS#400259 prior to any preliminary bilateral discussions on the term sheet for the Shungopavi PWS#400259 AOC process.

When and if my client is granted the FOIA info for all Shungopavi PWS#400259 documents from the years 2004 to 2018 from both IHS and EPA funded projects utilizing the Shungopavi households surveyed, in addition to some time to adequately disseminate the info for the PWS#400259 administration, then at that time I would infer that the Shungopavi PWS#400259 administration will be properly prepared to make a commitments on negotiated agreements/obligations, such as the term sheet bilateral provisions, in their best interest. I believe my client, has at a minimum, that right to be informed on a system that they are responsible for.

It is common knowledge that the director of the HWRP, and/or the HUC/Tribe is the government to government point of contact on all HAMP/EPA matters, but it is obvious that certain Hopi Villages affected by high arsenic levels and that are included w/n the HAMP funding cohort, are not as well informed as they should be but this is not their fault and can be easily remedied with understanding and cooperation. I implore you to

reconsider your FOIA suggestion pertaining to the request for information on the Shungopavi PWS#400259 and hope to have a response before the 4/13/18 scheduled phone conference w/ Hillary Hect.

Ms Magnuson, the Shungopavi PWS#400259 has an annual PWS deficit of -\$105,240 annually, and once HAMP is commissioned, a \$35 HUC base fee plus \$0.005 or \$0.00255 per gallon fee plus the Village PWS fee of \$20 for a already poverty-stricken community w/ a consistent unemployment rate of 50%, w/ an aged PWS infrastructure, compounded by a potential loan obligation for 40 years is in the best interest of the Shungopavi Village and its community members? This is not consistent w/ the Fiduciary Responsibility all federal entities, their employees. and administers are legally bound to in my opinion. My client is entitled to the information that concerns, and that affects their community, and my client is entitled to the financial information that has been appropriated over the years, towards remedying their community's PWS#400259 issues.

Neither the HUC nor the HWRP has provided meaningful outreach efforts of late, and the Hopi people deserve the right to know the financial burden that will be placed on them by their own Tribe for a fundamental necessity to life. Again, I implore all federal agencies associated with the HAMP to reconsider my request for information. Thank you for your time and consideration,

Respectfully,

Jeff Mansfield

JLM Business Consultation
PO Box 802
Polacca, AZ

928-737-0159
928-613-4416

On Tue, Apr 10, 2018 at 4:22 PM, Magnuson, Janet <Magnuson.Janet@epa.gov> wrote:

Dear Jeff,

Thank you for your email. I spoke with Emmanuelle and she will be following up with you by telephone.

Since you are requesting documents from EPA—you need to submit this request through our Freedom of Information Act (FOIA) process.

The link below explains FOIA and the process for submitting a FOIA request. Emmanuelle can answer any questions you may have. She also may be seeking clarification from you on the specific documents you are searching for.

<https://foiaonline.regulations.gov/foia/action/public/home>

Thank you,

Janet Magnuson

415-972-3887

From: Jeff Mansfield [mailto:jlmansfield1981@gmail.com]

Sent: Tuesday, April 10, 2018 12:03 PM

To: Hecht, Hillary <Hecht.Hillary@epa.gov>; Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>; Rapicavoli, Emmanuelle <Rapicavoli.Emmanuelle@epa.gov>; Tim Bodell <tbodell@hopiuc.com>; Tim Bodell <tbodell@hopi.nsn.us>; lpuhuyesva@hopi.nsn.us; Leon F. Lomakema <shungopavicsa@hopitelecom.net>; Magnuson, Janet <Magnuson.Janet@epa.gov>; brad.rea@ihs.gov

Subject: 1st Request for Info for Shungopavi Village PWS#09400259/09400206 (Hopi)

To EPA DW/Enforcement 9, Hopi Utility Cooperation, and HWRP,

Jeff Mansfield of JLM Consultation, on behalf of the Shungopavi Village PWS#400259/400206 for a request of information from all affiliated Hopi Arsenic Mitigation Project federal & tribal entities regarding all pertinent information, all associated documentation including Interagency Agreements original versions and amended/modified versions, all **PWS#400259/400206*** correspondences , memos*, project summaries* w/ MOAs*, both original versions, and modified/amendment versions and all line item expenditures and listed Shungopavi PWS#400259/400206 Primary Point of Contact listings.

This request for information is specified for the years 2004-2018. Information can be scanned and uploaded then emailed to Mr Leon Lomakema, Shungopavi CSA, and/or myself at your earliest convenience please.

Respectfully,

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Jeffrey L. Mansfield

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